



Licensing Board

January 26, 2009 - 7:00 p.m. – **Agenda**
133 William Street, Room 314

View Minutes

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PRESENT: Steven A. Beauregard, Chairman
Ronald E. Frenette, Commissioner
Atty. John A. Markey, Jr., Asst. City Solicitor
Capt. Steven Vicente, Liaison to the Licensing Board
Nick Nanopoulos, Director

MOTION TO ACCEPT THE MINUTES OF THE MEETING OF – December 22, 2008

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Transfer - Tr. # 203 - (Plot # 31--239)

TK Enterprises, Inc. d/b/a 'LUKOIL', Tannous Kayrouz, President, who is petitioning to **transfer a Retail Package Store Wine and Malt Only Beverages License** to **Racing Mart, LLC d/b/a 'LUKOIL'**, Charles Bouyounes is the Manager of the LLC, a Co-Member, and a Co-Interest Holder (50%); Johnny Kayrouz is a Co-Member and Co-Interest Holder (25 %); and Robert Kayrouz is also a Co-Member and Co-Interest Holder (25%); and **Alexandre El Tom** is the **proposed license Manager**. Premises will remain the same at **56 Potomska Street**

Final approval will require a '**Certificate of Inspection**' from the Building Department and a '**Food Permit**' from the Health Department.

Approved By ABCC – 12/23/08

Transfer - Tr. #088 – (Plot # 132--613)

Isabel Bravo d/b/a Bravo's Restaurant, Isabel Bravo, Licensee, who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **GIN & CHEN, Inc. d/b/a Jade Garden, Kam Yee Gin** is President, Treasurer, Clerk, Co - Director, Co – Shareholder (55%) and **Proposed Manager:** and Wei R. Chen is Co-Director and Co-Shareholder (45%). Premises will remain the same at **1309 Phillips Road**.

Final approval will require a '**Certificate of Inspection**' from the Building Department, a '**Food Permit**' from the Health Department, and a signed '**Fire & Building Certificate**' with regard to Chapter 304 Fire Acts Compliance.

Approved By ABCC – 12/26/08

Change of Manager - Tr. # 039 - (Plot # 46--152)

Veterans Memorial Foundation, Inc., 561 Purchase Street, who is requesting the approval of **Mark J. Waters**, who resides at 52 Hussey Street, New Bedford, MA. as their **new manager**.

Approved By ABCC – 01/02/09

Change of Description - Tr. #021 – (Plot # 99--3)

Jalice Café, Inc., Derick Pina Gonsalves, President, who is requesting permission to **Change the Description** of the **Common Victualler (Restaurant) All Alcoholic Beverages** license to read as follows: Licensed premises to consist of two (2) rooms on the first floor of a two-story building in an area approximately 3,700 sq. ft. which includes one room with a bar and tables, a dining 'function room with a bar and tables, a kitchen and storage area, and two (2) restrooms; with an additional area for storage and a walk-in cooler in the basement. There is one (1) entrance/exit onto Acushnet Avenue, with an additional exit in the rear of the building, which is situated on the east side of Acushnet Avenue between Deane Street and Coffin Avenue, and **numbered 1468 Acushnet Avenue**.

Final approval will require a '**Certificate of Inspection**' from the Building Department, a '**Food Permit**' from the Health Department, and a signed '**Fire & Building Certificate**' with regard to Chapter 304 Fire Acts Compliance.

Application has been advertised.

Approved By ABCC – 01/12/09

Change of Description - Tr. # 077 - (Plot # 53--195)

The Pequod, Inc. d/b/a Rose Alley Ale House, Jason P. Lanagan, President, who is requesting permission to **Change the Description** of the **Common Victualler (Restaurant) All Alcoholic** license to read as follows: Licensed premises to consist of one (1) room on the first floor of a one-story building approximately 1,400 sq. ft. which includes a bar area, dining area, and kitchen; along with a bar area two (2) restrooms, an office, walk-in cooler, and stockroom located within an area 1,400 sq. ft. on the basement level, which will be accessible by a stairwell and handicap chair lift. There is one entrance/exit in the front of the building onto Front Street, and one entrance/exit in the rear of the building onto Rose Alley, which is situated on the northwest corner of Front Street and Rose Alley, and will remain numbered **94 Front Street**.

Final approval will require a 'Certificate of Inspection' from the Building Department, a 'Food Permit' from the Health Department, and a signed 'Fire & Building Certificate' with regard to Chapter 304 Fire Acts Compliance.

Application has been advertised; Abutters have been notified.

Approved By ABCC – 01/12/09

1. PETITION - Tr. # 039 - (Plot # 47-45-A)

Saint Michael Social Club, Inc., 101 Madeira Avenue, requesting the approval of **David W. DaSilva**, who resides at 86 Chancery Street, New Bedford, MA. as their new Manager. (Re-Submitted, Denied on 12/26/08)

2. PETITION - Tr. # 036 - (Plot # 126--65)

Pub 6 Social Corp. d/b/a Sixth Bristol, 736 Ashley Boulevard, requesting the approval of **Patricia Alphonse**, who resides at 90 Appleton Street, New Bedford, MA. as their new Manager.

3. PETITION - Tr. # 150 - (Plot # 24--111)

Elm NB 22, LLC d/b/a Elm 22, Everett Douglas Mills, Jr., Manager of LLC, license formerly exercised on premises located at **89 North Water Street**, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Café Restaurante Algarve, Inc. Jose A. Pereira** is President, Clerk, Co-Director, and Co-Shareholder (50 Shares); and **Nidia M. Pereira** is the Treasurer, Co-Director, Co-Shareholder (50 Shares) and **Proposed Manager**. Proposed licensed premises consist of a first floor area approximately 2,500 sq. ft. of a two-story building, which includes one large dining room with a bar area, two restrooms, a stock room, and a kitchen area with a walk-in cooler and storage room. There are two entrances/exits onto the front parking lot area located on the County Street side of the building, and an emergency exit on the north side of the building. The two-story building is situated on the east side of County Street between Blackmer and Delano Streets, and **numbered 128 County Street**.

Final approval will require a 'Certificate of Inspection' from the Building Department, a 'Food Permit' from the Health Department, and a signed 'Fire & Building Certificate' with regard to Chapter 304 Fire Acts Compliance.

Application has been advertised; Abutters have been notified.

4. PETITION - Tr. # 123 - (Plot # 78--112) (No Representation Needed)

Tropicana Bar & Grill, Maria Barbosa, Licensee, who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Tropicana Bar & Grill, Inc., Miguel Barbosa** is President, Co-Director, and Co-Shareholder (1,000); and **Maria Barbosa** is Treasurer, Clerk, Co-Director, Co-Shareholder (1,000) and **Proposed Manager**. Premises will remain the same at **1700 Purchase Street**.

Application has been advertised.

6. PETITION - Tr. # 138 - (Plot # 106--214) (No Representation Needed)

Portugal No Coracao Corp., Paulo H. Vieira, President, who is requesting approval of **Vieira' Cafe** as its d/b/a, with premises remaining the same at **1708 Acushnet Avenue**.

7. APPLICATION,

Nucleo Sportinguista #82, Sergio Franco, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'A Valentine's Day Dance' to be held at the **Nucleo Sportinguista #82 Club**, located at **1561-1563 Acushnet Avenue**; and to be held on **Saturday 14, 2009, from 6:00 p.m. until 11:45 p.m.**

8. APPLICATION, (No Representation Needed)

Cardoza's Wine & Spirits, Inc., Richard Cardoza, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'A Private Party/ Cocktail Reception' to be held at **Cecilia's**, located at **2 Rose Alley – 2nd Floor**; and to be held on **Wednesday, December 31, 2008, from 7:00 p.m. until 1:45 a.m.**

9. APPLICATION, (No Representation Needed)

Old Dartmouth Historical Society, Inc., Karen Allen, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Business After Hours Event' to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, January 30, 2009, from 6:00 p.m. until 8:00 p.m.**

10. APPLICATION, (No Representation Needed)

New Bedford Art Museum, Inc. Karie Vincent, Representative who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Exhibit Closing Event' to be held at the **N.B. Art Museum**, located at **608 Pleasant Street**; and to be held on **Saturday, January 31, 2009, from 5:00 p.m. until 8:00 p.m.**

11. APPLICATION, (No Representation Needed)

New Bedford Whaling Museum, Karen Allen, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Members Exhibit Reception' to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, February 26, 2009, from 6:00 p.m. until 8:00 p.m.**

12. APPLICATION, (No Representation Needed)

Old Dartmouth Historical Society, Inc., Karen Allen, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Business After Hours Event' to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, February 27, 2009, from 6:00 p.m. until 8:00 p.m.**

13. APPLICATION, (No Representation Needed)

Irmandade Do Espirito Do Pico, Inc. Jose Matos, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/Dinner' to be held at the **Irmandade Do Espirito Do Pico Club**, located at **2056 Acushnet Avenue**; and to be held on **Saturday, February 28, 2009, from 6:00 p.m. until 11:00 p.m.**

14. APPLICATION, (No Representation Needed)

Old Dartmouth Historical Society, Inc., Karen Allen, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Business After Hours Event' to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, March 20, 2009, from 6:00 p.m. until 8:00 p.m.**

15. APPLICATION, (No Representation Needed)

Old Dartmouth Historical Society, Inc., Karen Allen, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Business After Hours Event' to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, April 24, 2009, from 6:00 p.m. until 8:00 p.m.**

Tabled at 12/22/08 Meeting

16. Hearing: Mikey B's, Inc. d/b/a Mikey B's

E. Michael Bobola, Manager
989 Victoria Street

Closed 07/03/89 - Prior Hearings: 1991 – 2002 (1 Each Year), 2003 (2), 2004 (3) 2005 (3), 2006 (2) 2007 (2) 2008 (3)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77,.....Cancellation of license upon cessation of licensed business.

Please be advised that if you are not operational **by December 21, 2008**, you must appear at this hearing, at which time, the Board will determine if your license shall be canceled for nonuse, as previously advised.

Minutes Of 06/23/08 Meeting

The Board voted unanimously to table the matter of your inactive license until October 27, 2008, based on your assurance to this Board that you would be open by 'Labor Day'.

Failure to be operational by **October 1, 2008** shall be just cause for a hearing in accordance with M.G.L. Ch. 138, sec. 77, which will result in the cancellation of your liquor license for non-use.

Minutes Of 11/24/08 Meeting

The Board voted unanimously to approve the renewal application for 2009 with the stipulation that the licensee **must be operational by 12/22/08**; Failure to be operational **by December 22, 2008** shall be just cause for a hearing in accordance with M.G.L. Ch. 138, sec. 77, which will result in the cancellation of the liquor license for non-use, and that the licensee must appear at the Board's 12/22/08 meeting.

Minutes of 12/22/08 Meeting

Present: *No one appeared on behalf of the applicant.*

Mr. Nanopoulos stated that based on Mr. Bobola's expectation that he would be open by January 8, 2009, that he informed Mr. Bobola that he would not have to appear at this meeting, and that he would recommend to the Board that they table the matter until the Board's January (26th) meeting; with no further action, if Mr. Bobola is operational by the date stated, and that he would monitor the situation, and notify Mr. Bobola to appear at the January meeting, if he is not open by that date.

VOTED: Commissioner Frenette made a motion to table the matter until the Board's January 26th meeting with no further action taken, if Mr. Bobola, is operational by January 8, 2009 as promised. – **Unanimous**

17. APPLICATION,

Richard Miranda, Jr., who resides at **194 Leonard Street, Acushnet, MA.** is requesting approval of his application for a **Motor Vehicle Class II (Used Car Dealer) License for Fat Boy Auto Brokers,** with premises situated at **485 Kempton Street.**

Note: Final approval will require a 'Special Permit' from the City Council; and Inspectional Services will determine the amount of cars for display.

Approval of the Motor Vehicle Class II License will require a **'Certificate of Inspection'** from the **Office of Inspectional Services,** a **\$25,000.00 Bond,** a **Notarized Letter** stating where repairs will be done, and a **'Business Certificate'** from the **Office of the City Clerk.**

Tabled at 12/22/08 Meeting

18. APPLICATION,

Gil W. Marques, who resides at **1471 Braley Road, New Bedford, MA.** is requesting approval of his application for a **Motor Vehicle Class II (Used Motorcycle Dealer) License for Gil's Powersports,** with premises situated at **475 Belleville Avenue.**

Note: Final approval will require a 'Special Permit' from the City Council; and Inspectional Services will determine the amount of motorcycles to be allowed for display.

Approval of the Motor Vehicle Class II License will require a **'Certificate of Inspection'** from the **Office of Inspectional Services.**

Minutes of 12/22/08 Meeting

Present: *Gil W. Marques, Applicant*

After some discussion regarding an issue that appeared on Mr. Marques Cori, Atty. Jaikes suggested that the matter be tabled until the Board's next meeting to give Mr. Marques an opportunity to provide some additional information to him that would possibly resolve the issue in question.

Voted: Commissioner Frenette, on advice from legal counsel for the Board, made a motion to table the application until the Board's January 26, 2009 meeting, and instructed Mr. Marques to submit any new information to the City Solicitor's office for review. -

Unanimous

19. Hearing: St. Paul, Inc. d/b/a Sphinx Auto Sales

Boulos S. Boulos, President

486 Orchard Street

Your presence is requested at a hearing to determine the status of your Motor Vehicle Class II (Used Car Dealer) license for the year 2009. All Class II License holders **must maintain** a facility dedicated to carrying out said business.

Failure to comply with all regulations regarding Class II licenses may result in the **immediate revocation** of your license.

You are required to bring with you, your '2009' Class II license, which was issued to you on 12/24/08.

20. Hearing: Clube Ponta Delgada, Inc.

Julie Ann Alves, Manager

61-65 Madeira Avenue

Your presence is requested at a hearing to be held in this office to determine whether you have violated certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, section, 69-

No alcoholic beverages shall be sold or delivered to an intoxicated person on any licensed premises. (**Note:** It does not matter whether or not that person is driving. Every licensee should have clear policies known to all staff on offering assistance to an intoxicated person, including under what circumstances to notify police.)

ABCC Regulation 204CMR2.05:(2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulations No. 10, 11, 12-

Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated; Excessive Noise, Crowds, and Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

Summary of Incident Report

Police Department Incident Report states that Officers were dispatched to the Clube Ponta Delgada in regards to a fight going on inside of the club, and that the bartender who called stated that there were two (2) males fighting, and that one of them had a weapon; and when the Officers arrived they heard loud yelling coming from inside the club.

When the Officers entered the club, they found four (4) males inside who stated that a guy who had just left prior to the Officers getting there, began an argument with an unidentified male and the two began to fight.

The two males were asked to leave the establishment to which they complied, at which time the bartender also stated that she was going to be closing the bar as well, which she did.

While the Officers were leaving the bar, the Officers observed the males who were asked to leave the bar, yelling and disturbing the peace as they were walking south on Madeira Avenue in front of the Senhor Da Pedra Club; when suddenly, one of the males started punching the metal signs attached to the Senhor Da Pedra Club.

The male was stopped and placed into Protective Custody, and transported back to Police Headquarters, where he agreed to take an Alcohol Breath Test, which showed a result of 0.146 at 1:44 a.m.

When asked how long he was drinking at the Ponta Delgada Club, he stated that he had been drinking there all night; and when asked how much he had to drink, he stated he didn't think he had that much and could not recall the amount.

Date and time of alleged violations: Thursday, November 27, 2008, @ approximately 1:03 a.m.

#2008 - 21980 – 11/27/08

21. Hearing: Austin Korey, Inc.

d/b/a Regal Beagle Bar & Grill

Lucy Pimentel, Manager & Robert Faria, Jr. Co-Owner

1669 Acushnet Avenue

Your presence and that of **Robert Faria, Jr., Co-Owner**, and **Nick Parker, Bartender** is requested at a hearing to be held in this office to determine whether you have violated certain provisions of the M.G. L., Alcoholic Beverages Control Commission Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Reports as follows:

Violations: Massachusetts General Laws Chapter 138, sections 12, 69-

No Patrons or employees of a Section 12 pouring license may leave the premises with alcoholic beverages. Section 12 licenses permit the consumption of alcoholic beverages only on the premises; No alcoholic beverages shall be sold or delivered to an intoxicated person on any licensed premises. (**Note:** It does not matter whether or not that person is driving. Every licensee should have clear policies known to all staff on offering assistance to an intoxicated person, including under what circumstances to notify police.)

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05:(2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises;

Licensing Board Regulation No. 10, 11, 14-

Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated; Excessive Noise, Crowds, and Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Sales of beverages to be taken off the premises are prohibited, unless the premises are licensed as a package store.

Summary of Incident # 1

Police Department Incident Reports states that Officers were called to the Regal Beagle by Steven Beauregard from the Licensing Board, who was in the area doing some spot checks; when the Officers arrived, they observed Mr. Beauregard at the rear of the building talking to a male who was in midstream of urinating on the porch of a private residence behind the Regal Beagle.

Mr. Beauregard stated that he witnessed the male leave the Regal Beagle as he was about to go inside to do a spot check on the bar; and it was obvious to the Officers that the male had been over served and was extremely intoxicated, as he could barely stand and he couldn't even comprehend basic questions which were asked of him, such as his name and address.

The male became very combative toward the Officers, at which time he was placed under arrest and handcuffed, and placed into the cruiser; where within seconds he leaned back and proceeded to give a thrust kick with both feet to the cruiser window nearly blowing it out, at which time the Officers were forced to pepper spray the individual to gain control over the individual.

As the Officers stood outside of the cruiser, they noticed a male exit the bar with a bottle of Bud Light in his hand that he had brought with him outside from the bar; this male also appeared to be very intoxicated.

Meanwhile, other Officers entered the premises with Mr. Beauregard and located another six (6) people inside the bar who appeared to be over served including a very intoxicated female who got an attitude when asked basic questions about who was driving and how much she had to drink.

Date and time of alleged violations: Thursday, November 27, 2008, @ approximately 12:42 a.m.

#2008 – 21984

Summary of Incident # 2

Police Department Incident Reports states that Officers while on patrol observed a male standing outside on the corner sidewalk in front of the bar drinking from a dark, green glass bottle.

When the Officers approached the male, who had no positive photo I.D. on him, he began to conceal the bottle inside of his unzipped coat, which was clearly seen by the Officers.

The bartender of the bar came out to check on the commotion created by bar patrons going in and out of the front door as the Officers were speaking with the male, who stated that he brought the bottle out with him, when he came out to smoke. The bartender stated that he left covering the bar to go down stairs in the basement to get something while leaving the bar unattended.

Date and time of alleged violations: Tuesday, December 16, 2008, @ approximately 12:36 a.m.

#2008 - 23133

Summary of Incident # 3

Police Department Incident Report states that Officers while on patrol observed a male stumble out of the Regal Beagle, who could barely stand and was stumbling all over the place; When asked by the Officers where he was going, he slurred out the word "home", at which time the Officers placed the male under protective custody for fear that he would hurt himself or get someone else injured.

When asked by the Officers if he had been drinking in the Regal Beagle, the male stated that he had a few beers in there, and that he arrived about 10:00 p.m. and that he was drinking the whole time since.

When the Officers attempted to enter the bar after placing the male into the cruiser, they noticed that all the patrons who had been outside observing what was going on had re-entered the bar, and the door was locked.

After knocking on the door, the Officers were let in by the bartender who stated that the male had just come in and had one beer before urinating on the bar stool, at which time he was thrown out of the bar.

The Officer also noted in his report that this is the second incident in two months where he had to deal with this bar for over serving patrons, and question why the male was served when he was clearly so intoxicated to urinate on the barstool, and that he was too intoxicated to blow the entire volume required for the breathe sample, after agreeing to take a breath test; and why weren't the police or medics called instead of throwing him out of the bar and letting him fend for himself.

Date and time of alleged violations: Wednesday, December 31, 2008, @ approximately 1:57 a.m.

#2008 – 23940 – 12/31/08

• CORRESPONDENCE,

From: Eddie J. Jenkins, Chairman, for the ABCC

12/24/08

Dated – 12/22/08 Received –

Re: Vila Franco Do Campo, Inc. d/b/a Vila Franca Restaurant & Cafe

601 Second Street

Hearing Date – **Tuesday, February 3, 2009 @ 11:00 a.m.** for a hearing to determine whether your application under Massachusetts General Laws Chapter 138, should be approved or disapproved.

• **REVIEW POLICE DEPARTMENT INCIDENT REPORT/ COMPLAINTS**

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Sapatinha's Café	#2008 – 23765	12/28/08	A & B Dangerous Weapon A & B On Police Officer Late night Disturbance (Approx. 1:45 a.m.)
2. Sapatinha's Café	#2008 – 23773	12/28/08	Illegal I.D./Serving Minor (Approx. 1:45 a.m.)
3. Epicure Liquors	#2009 – 00176	01/03/09	Serving Underage/Sting (1 st Offense)
4. Friendly Liquors	#2009 – 00176	01/03/09	Serving Underage/Sting (1 st Offense)
5. Douglas Wine & Spirits (500 Kings Highway)	#2009 – 00176	01/03/09	Serving Underage/Sting (1 st Offense)
6. Muldoon's Mini – Mart	#2009 – 00176	01/03/09	Serving Underage/Sting (3 rd Offense)
7. Premium Liquors	#2009 – 00176	01/03/09	Serving Underage/Sting (1 st Offense)
8. Mark's Beverage (Transfer Pending)	#2009 – 00176/1	01/15/09	Serving Underage/Sting (4 th Offense)
9. Shawmut Package Store	#2009 – 00176/1	01/15/09	Serving Underage/Sting (2 nd Offense)

• **COMPLAINTS RECEIVED:**

-NONE-

Subject: Liquor License Renewals For 2009

The Licensing Board herewith submits a report of all the **Liquor License Renewals** for **2009** by category and totals per category.

Licenses classified as follows were issued and signed by the Board in the month of December 2008.

Common Victualler---All Alcoholic	85
Common Victualler---Wine & Malt (6 Days)	4
Common Victualler---Wine & Malt (7 Days)	13
General on –Premise ---All Alcoholic	17
Clubs---All Alcoholic	27
Retail Package Stores---All Alcoholic	24
Retail Package Stores---Wine & Malt	8
Innholder All- Alcoholic	1

TOTAL=179 (-2)

The following license **was not** renewed for 2009:

Papa Gino's, Inc. (CV W & M) - Licensee Decision

Note: Including the above referenced Common Victualler Wine & Malt license, there are currently 2 inactive CV W & M licenses, which have been applied for and have applications pending, which once approved in 2009, will result in the renewal fees for those licenses to be once again added back into our revenue total; also, the 'inactive' Common Victualler All Alcoholic license assigned to the Airport should be re-instated in 2009, once a lease agreement is in place, **which would put our license total back up to 182 for 2009.**

- **IN VIOLATION – OPERTAING WITHOUT A VALID LICENSE (INFORMATIONAL ONLY)**

Common Victuallers (Restaurants)

1. On A Roll, Kelly J. Carvalho, Licensee, 149 Union Street – **Notice Received 01/14/09**
2. Quiznos, Phillip Rich, Licensee, 1028 Kempton Street - **Notice Received 01/16/09**
3. The Grind Coffee Shop, Nicholas Moniz, 831 Pleasant Street - **Notice Received 01/16/09**

Class II (Used Car Dealers)

1. Seaport Auto Sales, Earle Sylvia & Jon Martens, Licensees, 895 Pleasant Street
2. Star Auto Sales, Fidelio A. Montrond, Licensee, 320 Sawyer Street - **Notice Received 01/14/09**

Action Taken: Certified notices sent out on January 13, 2009 notifying licensees that late fee has been added and that they must come in to renew within 5 days of receipt of notice.

- **INACTIVE LICENSES A/O 1/01/09 (10) (INFORMATIONAL ONLY)**

1. **Adega Company, Inc.** – Sale Pending
2. **Dream Café, Inc.** - Transfer Application Sent To ABCC – 12/22/08
3. **Elm 22** – Transfer Application on 01/26/09 Agenda (Item # 3)
4. **Jalice Café, Inc.** – Renovations, Planned March 1st Opening?
5. **Jade Garden,** - Renovations, Planned March 1st Opening?
6. **Marisqueira Madeira, Inc.** – Renovations, Planned April 1st Opening?
7. **On The Rocks Lounge, Inc.** – Renovations, Planned April 1st Opening?
8. **Rosie's** – Sale Pending
9. **Rose Alley Ale House,** Renovations, Planned April 1st Opening?
10. **Smuggler's Den** – Transfer Application Sent To ABCC – 06/23/08

Note: There were **17** inactive licenses on 01/01/08.

- **NEXT THREE (3) MEETING DATES:** February 9, February 23, & March 23, 2009

- **MEETING ADJOURNED:**